

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STEVEN M. JACOB,)	4:10CV3073
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
ROBERT HOUSTON,)	
)	
Respondent.)	

This matter is before the court on Respondent's Motion for Enlargement of Time. (Filing No. [51](#).) Also pending is Petitioner's Motion to Alter or Amend. (Filing No. [50](#).) The court will address each motion in turn.

I. Motion for Enlargement of Time

On April 4, 2011, Respondent filed a Motion for Enlargement of Time. (Filing No. [51](#).) In his Motion, Respondent seeks to enlarge the time he was provided to file his initial brief until May 4, 2011. (*Id.* at CM/ECF p. 1.) Respondent has listed numerous reasons for his request, including that Petitioner has been pursuing simultaneous state and federal post-conviction proceedings, which complicated Respondent's efforts to prepare the voluminous state court records. (*Id.*) In addition, Respondent's counsel was out of the country for 10 days in March and has been seeking health treatment for a back injury. (*Id.* at CM/ECF p. 2.) For good cause shown, Respondent's Motion for Enlargement of Time is granted. However, no further extensions of time will be granted.

II. Motion to Alter or Amend

In Petitioner's Motion, Petitioner asks the court to alter or amend its March 23, 2011, Memorandum and Order. (Filing No. [50](#).) More specifically, Petitioner

argues that the court's decision to deny his "right to interlocutory appeal" is "mistaken as a matter of law." (*Id.* at CM/ECF p. 1.) On April 19, 2011, the Eighth Circuit Court of Appeals denied Petitioner's motion for leave to proceed in forma pauperis on interlocutory appeal because it lacked jurisdiction over Petitioner's appeal. (Filing No. [52](#).) Accordingly, Petitioner's Motion to Alter or Amend is moot.

IT IS THEREFORE ORDERED that:

1. Respondent's Motion for Enlargement of Time (filing no. [51](#)) is granted.
2. Petitioner's Motion to Alter or Amend (filing no. [50](#)) is denied.
3. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: Check for initial brief on May 4, 2011.

DATED this 25th day of April, 2011.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge

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